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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

LEE LADYGA,

Case No. 11-6336-HO

Plaintiff,

v.

**COMPLAINT FOR VIOLATIONS OF
THE FAIR DEBT COLLECTION
PRACTICES ACT**

SAGE CAPITAL RECOVERY, LLC,
a New Jersey limited liability company,

Defendant.

INTRODUCTION

1.

Plaintiff files this lawsuit for damages based on Defendant's continued attempts to illegally collect debt from him through the use of false threats, misrepresentations, and harassing phone calls.

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COMPLAINT - Page 1

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JURISDICTION AND THE PARTIES

2.

This Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and venue is proper because Plaintiff lives in Bend, Oregon, Deschutes County, and a substantial part of the events giving rise to the claim occurred in Bend, Oregon.

3.

Plaintiff Lee Ladyga lives in Bend, Oregon and is a “consumer” as defined under 15 U.S.C. § 1692a(3).

4.

Defendant Sage Capital Recovery, LLC is a New Jersey limited liability company, is registered to do business in Oregon, and is a “debt collector” as defined under 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

5.

Plaintiff entered into a credit agreement with Chase primarily for personal purposes and was allegedly obligated to pay money under the agreement, constituting a “debt” as defined under 15 U.S.C. § 1692a(5).

6.

Chase is a “creditor” as defined under 15 U.S.C. § 1692a(4).

7.

Defendant made numerous illegal attempts to collect the Chase debt from Plaintiff.

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8.

On or around October 2011, in multiple attempts to collect a debt from Plaintiff, Defendant indicated it was legal counsel for Chase when in fact Defendant was not legal counsel for Chase.

9.

On or around October 2011, in multiple attempts to collect a debt from Plaintiff, Defendant called Plaintiff and failed to disclose its true identity to Plaintiff.

10.

On or around October 2011, in an attempt to collect a debt from Plaintiff, Defendant falsely represented to Plaintiff that it had an attorney poised to walk in to the United States Bankruptcy Court in Portland on October 13th to commence an involuntary bankruptcy proceeding.

11.

On or around October 2011, in an attempt to collect a debt from Plaintiff, Defendant falsely represented to Plaintiff that after filing the involuntary bankruptcy it would simultaneously pursue civil remedies against him.

12.

Defendant could not file involuntary bankruptcy on October 13th and had no intent to file involuntary bankruptcy on October 13th.

13.

Defendant could not legally pursue simultaneous civil remedies against Plaintiff and had no intent to pursue simultaneous civil remedies against Plaintiff.

14.

As a result of Defendant's intentional and willful actions, Plaintiff suffered emotional distress including worry, anxiety, stress, and other negative emotions to be proven at trial.

15.

As a result of Defendant's intentional and willful actions, Plaintiff incurred actual attorneys fees and costs.

CLAIM FOR RELIEF

(VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT)

(15 U.S.C. § 1692)

COUNT I.

(Harassment)

(15 U.S.C. § 1692d)

16.

Plaintiff incorporates the above by reference.

17.

Defendant willfully violated 15 U.S.C. § 1692d(6) by calling Plaintiff and failing to disclose its true identity.

COUNT II.

(False and Misleading Representations)

(15 U.S.C. § 1692e)

18.

Plaintiff incorporates the above by reference.

COMPLAINT - Page 4

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19.

Defendant willfully violated the FDCPA by making false and misleading representations.

20.

Defendant willfully violated 15 U.S.C. § 1692e(5) and (10) by threatening to file involuntary bankruptcy in the United States Bankruptcy Court in Portland when Defendant in fact had no such intent.

21.

Defendant willfully violated 15 U.S.C. § 1692e(5) and (10) by threatening to pursue simultaneous civil remedies against Plaintiff when Defendant in fact had no such intent.

22.

Defendant willfully violated 15 U.S.C. § 1692e(5) and (10) by threatening to file involuntary bankruptcy in the United States Bankruptcy Court in Portland when in fact such action could not be taken.

23.

Defendant willfully violated 15 U.S.C. § 1692e(5) and (10) by threatening to pursue simultaneous civil remedies against Plaintiff when in fact such action could not be taken.

24.

Defendant willfully violated 15 U.S.C. § 1692e(3) by falsely representing it was legal counsel for Chase.


25.

Plaintiff is entitled to his actual damages, reasonable attorneys fees and costs pursuant to 15 U.S.C. § 1692k, and up to \$1,000 in additional statutory damages.

WHEREFORE, Plaintiff requests judgment against Defendant as follows:

- A. For an award of actual damages or statutory damages of \$1,000, which ever is greater;
- B. For an award of punitive damages;
- C. For an award of reasonable attorneys fees and costs;
- D. For other such relief this Court deems just and proper.

DATED: October 25, 2011


s/ Michael Fuller

Trial Attorney for Plaintiff

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